

Jethro M. Eisenstein (JE 6848)
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROGER DUANE ORTEGO and BRYAN
F. GILL, JR., as Trustee of
the Bankruptcy Estate,

07 CV 9641 (CSH)

ANSWER

Plaintiff,

-against-

MORAN TOWING CORPORATION,

Defendant.

Defendant Moran Towing Corporation, by its attorneys,
Profeta & Eisenstein, as and for its answer to the
Complaint, states as follows upon information and belief:

1. Denies the factual allegations in paragraph I of
the Complaint and respectfully refers questions of law to
the Court.

2. Denies the factual allegations contained in
paragraph II of the Complaint and respectfully refers
questions of law to the Court.

3. Denies knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph III of the Complaint and respectfully refers question of law to the Court.

4. Denies knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph IV of the Complaint and respectfully refers question of law to the Court.

5. Denies the factual allegations contained in paragraph V of the Complaint and respectfully refers questions of law to the Court.

6. Denies the allegation contained in paragraph VI of the Complaint.

7. Denies the allegations contained in paragraph VII of the Complaint.

8. Denies the allegations contained in paragraph VIII of the Complaint.

9. Denies the allegations contained in paragraph IX of the Complaint.

10. Denies the allegations contained in paragraph X of the Complaint.

11. Denies the allegations contained in paragraph XI of the Complaint.

12. Denies the factual allegations contained in paragraph XII of the Complaint and respectfully refers questions of law to the Court.

13. As to the allegations repeated and realleged in paragraph XIII of the Complaint, defendant makes the same admissions and denials as if herein set forth at length.

14. Denies the allegations contained in paragraph XIV of the Complaint.

15. Denies the allegations contained in paragraph XV of the Complaint.

16. Denies the allegations contained in paragraph XVI of the Complaint.

17. With regard to the allegations repeated and realleged in paragraph XVII of the Complaint, defendant makes the same admissions and denials as if herein set forth at length.

18. Denies the factual allegations contained in paragraph XVIII of the Complaint and respectfully refers questions of law to the Court.

19. Denies the factual allegations contained in paragraph XIX of the Complaint and respectfully refers questions of law to the Court.

AFFIRMATIVE DEFENSES

20. At the time of the events in suit, defendant Moran Towing Corporation did not own, charter, operate or control the Barge TEXAS and did not employ plaintiff.

21. Plaintiff's claims are barred by the applicable statute of limitations.

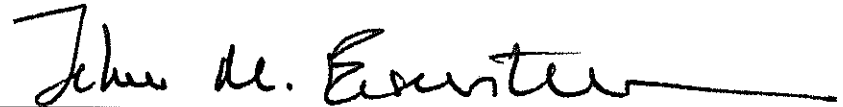
22. Plaintiff has heretofore been paid any and all sums due him as and for maintenance and cure.

23. If plaintiff suffered injury as alleged in the Complaint, which is expressly denied, the same was caused or contributed to solely by his own carelessness, negligence and failure to exercise due care.

WHEREFORE, defendant Moran Towing Corporation demands judgment dismissing the Complaint with prejudice and awarding the costs and disbursements of this action.

Dated: New York, New York
December 27, 2007

PROFETA & EISENSTEIN
Attorneys for Defendant

A handwritten signature in dark ink, appearing to read "Jethro M. Eisenstein", with a long horizontal flourish extending to the right.

Jethro M. Eisenstein (JE 6848)
A Member of the firm
14 Wall Street, 22nd Floor
New York, New York 10005-2101
(212) 577-6500

TO:

SAKKAS & CAHN, LLP
Attorneys for Plaintiffs
150 Broadway
Suite 1307
New York, New York 10038

STATE OF NEW YORK)
)
 COUNTY OF NEW YORK) ss.:

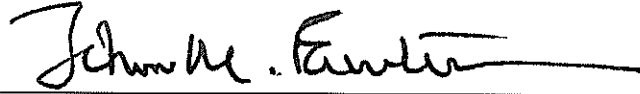
Stacey Sekzer, being sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides in Brooklyn, New York. On December 27, 2007, I served a copy of the within Answer upon:

<u>Name</u>	<u>Address</u>	<u>Party</u>
SAKKAS & CAHN, LLP	150 Broadway Suite 1307 New York, NY 10038	Plaintiffs

the address designated by said attorney(s) for that purpose by depositing the same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


 Stacey Sekzer

Sworn to before me this
 27th day of December, 2007



Jethro M. Eisenstein
 Notary Public, State of New York
 No. 02EI1095095
 Qualified in New York County
 Commission Expires March 30, 2011